

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL MCFARLAND,)	
)	
Plaintiff)	
)	
v.)	No. 3:12-1294
)	Judge Trauger/Bryant
DAVID ELAM, <i>et al.</i> ,)	Jury Demand
)	
Defendants)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

On December 8, 2014, the undersigned Magistrate Judge granted Plaintiff's motion to reconsider the denial of Plaintiff's motion for leave to amend his complaint, but, upon reconsideration, denied the additional relief that Plaintiff sought (Docket Entry No. 110). Since the entry of that order, Plaintiff McFarland has taken no steps whatsoever to prosecute this case.

On June 24, 2015, the undersigned entered an order to show cause requiring Plaintiff McFarland to show cause on or before July 13, 2015, why his complaint should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (Docket Entry No. 113). This order admonished Plaintiff that his failure to respond to this order may cause the undersigned to recommend that the complaint be dismissed.

Plaintiff McFarland has failed to respond to this order and recent mailings by the Clerk to Plaintiff at his address of record have been returned marked "Paroled" (Docket Entry Nos. 115

and 116). It appears from this record that Plaintiff McFarland both has failed to prosecute this case and has also failed to keep the Clerk informed of his current mailing address. For these reasons, the undersigned Magistrate Judge finds that the complaint should be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that the complaint be dismissed.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 16th day of July, 2015.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge